

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GERALD MARSZALEK,

Plaintiff,

Case No. 2:09-cv-12955

v

Hon. David M. Lawson
Mag. Michael Hluchaniuk

IMAD FADLALLAH, individually and
in his official capacity as Principal of
Dearborn Fordson High School, and
DEARBORN SCHOOLS,

Defendants.

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

By: BRANDON M. BOLLING (P-60195)

JAMES R. ACHO (P-62175)

33900 Schoolcraft

Livonia, MI 48150-1392

(734) 261-2400

THOMAS MORE LAW CENTER

By: RICHARD THOMPSON (P-21410)

ROBERT MUISE (P-62849)

BRIAN ROONEY (P-71804)

24 Frank Lloyd Wright Drive

P.O. Box 393

Ann Arbor, MI 48106

(734) 827-2001

Attorneys for Plaintiff

STIPULATED MOTION TO WITHDRAW AS COUNSEL

NOW COMES Plaintiff JERRY MARSZALEK, and his attorneys, the THOMAS MORE
LAW CENTER, and CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C., who hereby stipulate

to and move this Court for an Order withdrawing CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C. and their attorneys Brandon M. Bolling and James R. Acho as attorneys for Plaintiff herein.

In support of this motion, the following is shown unto this Court:

1. Plaintiff Marszalek is a retired teacher who served Dearborn Schools for over three decades as an educator and coach. Plaintiff Marszalek was terminated from his wrestling coach position by Defendants and subsequently brought this action which presents various Constitutional, statutory, and common law claims, including the First and Fourteenth Amendments to the United States Constitution, the Michigan Constitution of 1963, 42 U.S.C. § 1983, and the Elliot-Larsen Civil Rights Act.

2. Both Cummings, McClorey, Davis & Acho, PLC and the Thomas More Law Center have entered appearances on Plaintiff Marszalek's behalf in this matter.

3. Brandon Bolling and James Acho of Cummings, McClorey, Davis & Acho, P.L.C., were assigned responsibility by their firm for handling this matter on behalf of Plaintiff Marszalek.

4. Richard Thompson and Robert Muise, of the Thomas More Law Center, were assigned responsibility by their firm for handling this matter on behalf of Plaintiff Marszalek.

5. Prior to representing Plaintiff Marszalek in this matter, in accordance with its policies and practices, Cummings, McClorey, Davis & Acho, P.L.C., conducted a thorough screening procedure to ensure that there were no conflicts of interest between itself and any relevant party.

6. Sometime after the Complaint was filed in this matter, Cummings, McClorey, Davis & Acho, P.L.C. determined that a conflict of interest did exist based upon an unusual prior

relationship between itself and Defendant Dearborn Schools. Pursuant to this conflict, Cummings, McClorey, Davis & Acho, P.L.C., determined that it was required to withdraw as Plaintiff Marszalek's counsel.

7. Upon discovery of this conflict, Cummings, McClorey, Davis & Acho, P.L.C. immediately notified Plaintiff Marszalek and the Thomas More Law Center that it existed.

8. Thereafter, in order to protect Plaintiff Marszalek's rights, in order to ensure that this issue was addressed properly by all concerned parties, and in order to ensure that this matter was transferred consistent with Plaintiff Marszalek's interests, a meeting was held between Plaintiff Marszalek and the Thomas More Law Center.

9. Plaintiff Marszalek, the Thomas More Law Center, and Cummings, McClorey, Davis & Acho, PLC, are satisfied that this conflict has been properly addressed consistent not only with Plaintiff Marszalek's interests, but in accordance with all applicable rules of professional conduct and the law.

10. Neither Plaintiff Marszalek, nor the Thomas More Law Center, oppose the withdrawal of Cummings, McClorey, Davis & Acho, P.L.C., Brandon M. Bolling, or James R. Acho, as Plaintiff Marszalek's counsel in this matter.

11. The concurrence of opposing counsel has not been sought in this matter because an appearance has yet to be entered on their behalf.

WHEREFORE, the parties hereby move this Court for an Order withdrawing
CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C. and their attorneys Brandon M. Bolling
and James R. Acho as attorneys for Plaintiff in this matter.

IT IS SO STIPULATED.


JERRY MARSZALEK

THOMAS MORE LAW CENTER

BY:

s/Robert Muise

ROBERT MUISE

Attorneys for Plaintiff

CUMMINGS, MCCLOREY, DAVIS & ACHO, P.L.C.

BY:

s/Brandon M. Bolling

BRANDON M. BOLLING

Attorneys for Plaintiff

Dated: October 2, 2009

ORDER

Upon the written stipulation of all concerned parties, and for good cause shown, it is hereby **ORDERED** that Plaintiff's Stipulated Motion to Withdraw as Counsel is **GRANTED**.

Cummings, McClorey, Davis & Acho, PLC and their Attorneys, Brandon M. Bolling and James R. Acho, are hereby withdrawn and terminated as Counsel for Plaintiff in this matter.

So Ordered.

Dated: _____

Hon. David M. Lawson
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2009, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record in this matter. Additionally, I hereby certify that copies of this paper were sent via U.S. mail to Gerald Marszalek and the Thomas More Law Center.

/s/Brandon M. Bolling
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